

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

<b>IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION</b>	<b>Master File No. 2:12-MD-02327 MDL 2327</b>
<b>THIS DOCUMENT RELATES TO:</b>  <i>Vanessa Dates v. Ethicon, Inc., et al.</i> <b>Case No. 2:15-cv-11333</b>	<b>JOSEPH R. GOODWIN U.S. DISTRICT JUDGE</b>

**DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendants Ethicon, Inc. and Johnson & Johnson (collectively "Ethicon"), pursuant to Federal Rule of Civil Procedure 56, move for partial summary judgment on Plaintiff's claims. As set forth more fully in Ethicon's supporting memorandum, there are no genuine issues of material fact, and Ethicon is entitled to summary judgment on certain claims asserted by Plaintiff because such claims: (1) are abrogated under the Ohio Product Liability Act; (2) are not recognized as independent causes of action under Ohio law; (3) are duplicative of Plaintiff's failure to warn claim; and/or (4) fail as a matter of law because Plaintiff cannot establish the requisite elements of such claims.

In support of this motion, Ethicon incorporates its Memorandum in Support of Defendants' Motion for Partial Summary Judgment, as well as the following exhibits:

<b>EXHIBIT</b>	<b>DESCRIPTION</b>
A	Excerpts from Plaintiff Fact Sheet ("PFS") (redacted); and
B	Case-Specific Report of Kevin Jovanovic, M.D. (June 11, 2018).

FOR THESE REASONS, and as more fully set forth in Ethicon's supporting memorandum of law, Ethicon respectfully requests that this Court enter an order granting Ethicon's Motion for Partial Summary Judgment and dismissing Plaintiff's claims as set forth therein, with prejudice.

Respectfully submitted,

/s/ Susan M. Robinson

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**CERTIFICATE OF SERVICE**

I certify that on this day, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

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